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October 26, 1995

EX PARTE OR LATE FILED

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

RECEIVED
OCT 26 1995
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: Ex Parte Presentation: PR Docket No. 93-61: Reconsideration
of Amendment of Part 90 of the Commission's Rules to Adopt
Regulations for Automatic Vehicle Monitoring Systems

Dear Mr. Caton:

Hughes Transportation Management Systems ("Hughes") hereby submits an Ex Parte filing in the above-captioned proceeding, released February 6, 1995 ("Report and Order") 77 RR 2d 84 (1995). Pursuant to Section 1.1206(a)(1) of the Commission's Rules, two copies of this letter have been filed with the Secretary.

On April 24, 1995, Hughes filed a Petition for Reconsideration (the "Petition") in this proceeding, proposing changes to the Commission's rule (§ 90.213) applying a frequency tolerance of 2.5 parts per million ("ppm") to non-multilateration LMS systems. 47 C.F.R. § 90.213. On May 24, 1995, Hughes filed its opposition to certain proposals contained in other petitions for reconsideration in this docket.^{1/} After reviewing the docket filings to date, Hughes believes the Commission has been presented with no reason to deny Hughes' Petition. Accordingly, we respectfully request that the Commission approve the Petition as soon as possible.

^{1/} As corrected by Erratum filed on May 25, 1995.

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In its Petition, Hughes requested that the Commission either: (i) delete the specific frequency tolerance requirement for non-multilateration systems (consistent with the Notice of Proposed Rulemaking), and apply the emission mask to the edges of bands for which systems are actually licensed rather than only sub-band edges; or (ii) increase the tolerance to a level commensurate with bandwidth for a typical non-multilateration systems (proposed as a 0.666% tolerance). The Commission's stated purpose in adopting the frequency tolerance rule is to "help reduce the potential for interference to systems operating on adjacent frequencies." Report and Order at 47. For non-multilateration systems, which are intended to operate at ranges of less than several hundred yards using large numbers of inexpensive mobile transponders, the above proposals will accomplish this purpose in the least restrictive manner.

A summary of the comments related to Hughes' Petition are as follows:

- (1) Amtech and TI have recommended relaxing the tolerance, although not to the level recommended by Hughes. Neither party has provided reasons why even their proposals are needed to avoid interference.
- (2) CellNet merely states that all technical rules with respect to non-multilateration systems should not be changed. No reasons are given.
- (3) Metricom states that "the frequency tolerance limit of 0.00025 percent is necessary to reduce potential interference to system on neighboring frequencies." Metricom's rationale was that the cost of implementing the requirement would be insignificant. Hughes has shown this to be untrue. In fact, it would likely double the cost of our active transponder devices, effectively shutting them out of the market.
- (4) No commenter refuted Hughes' reasoning that the key requirement was to keep emissions in the assigned band, and that this requirement could be met without specifying a frequency tolerance. Hughes suggested using emissions tests over temperature and voltage as an additional means of ensuring that transmissions do not vary unacceptably from authorized frequency bands, without specifying a strict frequency tolerance.

In summary, Hughes agrees with the Commission's stated purpose to "help reduce the potential for interference to systems operating on adjacent frequencies." A change in § 90.213 as suggested by Hughes can accomplish the Commission's goal by permitting flexibility to meet this purpose.

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Hughes believes the Commission has done an excellent job of balancing the concerns of a diverse set of interest groups. As described herein and in Hughes' previous filings, the frequency tolerance rule presents a compelling case for reconsideration by the Commission. These changes in the new rules will provide the certainty and flexibility to allow the non-multilateration LMS industry to improve and provide valuable services to public.

Respectfully submitted,



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